

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL C. MILLER,)	
)	
Plaintiff,)	
)	
)	CIV-15-17-HE
v.)	
)	
GRADY COUNTY LAW)	
ENFORCEMENT CENTER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 7, 2015, Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The matter was referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). On January 8, 2015, an Order was entered directing Plaintiff to cure the deficiencies in his filing by (1) submitting an *in forma pauperis* application or paying the filing fee and (2) submitting his Complaint on the proper 42 U.S.C. § 1983 form on or before January 28, 2015. Order (Doc. # 4). Plaintiff was advised in the Order that a failure to cure the deficiencies within the specified time period could result in dismissal of the action without prejudice. To this date, Plaintiff has not cured the deficiencies. The only address provided by Plaintiff with his Complaint was the address of the Grady County Law Enforcement Center, where Plaintiff indicated he was confined as a pretrial detainee. The Court Clerk's recent mailings to Plaintiff at his last known address have been returned to the

Court Clerk as undeliverable because Plaintiff is no longer housed at the Grady County Law Enforcement Center and the jail was unable to forward the mailings.

Plaintiff's lack of interest in complying with the Court's Order, combined with the Court's attempt to manage and control its caseload, warrant a dismissal of the cause of action without prejudice. Fed. R. Civ. P. 41(b); Bradenburg v. Beaman, 632 F.2d 120, 122 (10th Cir. 1980)(*per curiam*); Martinez v. Obermeyer, 117 F.3d 1428 (Table), 1997 WL 392251 (10th Cir. 1997)(unpublished op.)(upholding dismissal of civil rights action for failure to comply with Court's Order to file pleading and motion on proper forms).

RECOMMENDATION

Based on the foregoing findings, it is recommended that Plaintiff's cause of action be DISMISSED without prejudice for failure to comply with the Court's Orders. Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by March 2nd, 2015, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)("Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.").

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter, and any pending motion not specifically addressed herein is denied.

ENTERED this 10th day of February, 2015.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE